

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ERIKA LEE,

Plaintiff,

- against -

DELTA AIR LINES, INC.,

Defendant.
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/9/2024

22-CV-8618 (DEH) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This Court previously struck Plaintiff's brief opposing Defendant's motion to dismiss due to Plaintiff's blatant and repeated violation of the Court's rules. (Dkt. 89.) The Court directed Plaintiff to refile her opposition, limiting it to 25-pages, double-line spaced. Instead of complying with that directive, Plaintiff filed a 42-page document consisting of a 25-page, double-line spaced brief together with a 17-page declaration, 13 pages of which is single-line spaced and comprised largely of material that appeared previously in Plaintiff's stricken brief. (Dkt. 90.) Defendant now moves to strike the Declaration portion of Plaintiff's opposition filing. (Dkt. 91.) Plaintiff's opposition to that request is frivolous. (Dkt. 92.) Plaintiff's filing is nothing more than another flagrant defiance of the Court's rules and orders. The "Declaration" appearing at pages ECF 26-42 of Dkt. 90 is deemed stricken. Plaintiff is warned that further vexatious conduct and violation of court rules may result in sanctions, including dismissal of the case with prejudice.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 9, 2024
New York, New York

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Erika Lee
20 Confucius Plaza, Apt. 10K
New York, NY 10002